

### REMARKS

In response to the Office Action dated October 13, 2005, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

To reduce the issues under consideration, claims 16-22 have been canceled.

Claims 1-22 were rejected under the second paragraph of 35 U.S.C. §112.

The Office Action states that the meaning of certain terms in the claims are not clear.

In response thereto, the claims have been amended to remove these terms, or otherwise clarify their meanings.

Claims 1-22 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by either one of BE 635160 or DE 19914651. To clarify the distinctions between the claimed invention and the prior art represented by these references, the claims now recite particular aspects of the user-controllable heating power control means. Support for the amendments to the claims can be found in the specification, for example at page 9, line 10, to page 10, line 2, as well as page 13, lines 15-24.

It is respectfully submitted that the cited references do not anticipate, nor otherwise suggest, the subject matter of currently pending claims 1-15. For example, neither of the references discloses a beverage making apparatus having a built-in user-controllable heating power control means. DE 19914651 discloses a beverage making apparatus with a built-in heater. However, this heater has a fixed heating power, as a result of which the heating power output generated by the built-in heater is not variable. Consequently, the brewing process cannot be controlled by variation of heating power.

BE 635160 discloses a beverage making apparatus with external heating. Although the heating power of this device can be varied by a user, since the heating means is not dedicated to the specific beverage making apparatus, the beverage making process is not carried out in a repeatable manner. In contrast to the arrangement disclosed in BE 635160, the provision of a built-in controllable heating power control means in a beverage making apparatus, according to the present invention, enables a consumer to make beverages with pre-set heating levels. Such an arrangement substantially mitigates the non-controllability of a beverage making apparatus that uses a fixed power output heater (such as DE 19914651) and the less predictable brewing resulting from an apparatus with a non-dedicated heating power supply (such as BE 635160).

For at least the foregoing reasons, therefore, it is respectfully submitted that the subject matter of the pending claims is not anticipated by the references. Furthermore, in view of the differences identified above, the claimed invention is also not rendered obvious by the disclosures of these references.

Reconsideration and withdrawal of the rejections, and allowance of pending claims 1-15 is respectfully requested.

Respectfully submitted,

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Date: February 13, 2006

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